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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WALSH, DANIEL I	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/631,269	ASHAARI, SHAHPOUR	
	Examiner	Art Unit	
	Daniel I Walsh	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the response received on 28 September 2004.

Claim Objections

2. Claims 1, 2 are objected to because of the following informalities:

Re claim 1, line 7: Replace "encoded shipment" with -- encoded shipment identifier --.

Re claims 2-4, 15-17, and 28-30: Replace "cost of the mailing" with -- cost to deliver the mailing --.

Re claim 8, line 6: Replace "delivered the" with -- delivered to the --.

Re claim 14, line 10: Replace "encoded shipment" with -- encoded shipment identifier --.

Re claim 21, line 5: Replace "delivered the" with -- delivered to the --.

Re claim 27, line 9: Replace "encoded shipment" with -- encoded shipment identifier --.

Re claim 34, line 6: Replace "delivered the" with -- delivered to the --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The terms "shipment" and "mailings" and "mailpieces" in claims 1-36 are used by the claims to mean that a shipment is a consolidated package that is comprised of a plurality of mailings, while the accepted meaning is that a shipment and a mailing are both used to define an item that is delivered/shipped/mailed. The term is indefinite because the specification does not clearly redefine the term. The Examiner notes that the specification does not clearly redefine the terms explicitly, stating to the effect that for the Applications claims, a shipment is defined as comprising a plurality of individual mailings. Further the use of the term "mailpieces" (claim 9 for example) appears to define the contents of a mailing, where it was previously understood that a shipment comprises a plurality of mailings.

Appropriate clarification/correction of the terms mailpieces, mailings, and shipment, and how they are defined in re the claims, is requested, as the Applicants Specification does not explicitly defined how the terms are defined for use in the claims.

4. Claims 4, 17, and 30 recite the limitation "the incoming shipment" in line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner is why the mailer has an incoming mailing if they are doing the sending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6, 10, 14-19, 23, 27-32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce et al. (US 2004/0153379).

Re claim 1, Joyce et al. teaches receiving mailing information from a mailer, the mailing information comprising shipment information relating to a shipment and a mailing code associated with a mailing, the shipment comprising a shipment identifier (paragraph [0049]+). The shipment is received at an induction facility as the consolidated package is formed (paragraph [0050]). The Examiner has interpreted that the amassing of the packages (from sources) and the subsequent formation of a shipment to be delivered, is interpreted as receiving the packages at an induction facility. Though Joyce et al. is silent to scanning a code, the Examiner notes that it is well known and conventional, to scan in tracking data, at induction, to provide up to date tracking data, and to verify that the scanned data matches the shipment. As Joyce et al. teaches tracking information (paragraph [0052]+), keeping track of shipments once formed, is therefore an obvious expedient. Accordingly, it would have been obvious to scan the shipment/mailing code upon induction (receipt of all items that form the consolidated package, to prepare for shipment) to verify a correct shipment and to provide updated information as to when the shipment is ready to be shipped. Joyce et al. teaches that the shipments are shipped via a

commercial shipping service (paragraph [0054]+). Accordingly, as is well known and conventional in the art, it would have been obvious to scan the codes at the delivery facility (whether it be at a delivery truck when the packages are loaded, or at an actual facility/building, and along the delivery to the shipping's final destination, to provide up to date tracking information to allow for customers and vendors to track items/shipments for convenience, record keeping, customer satisfaction, etc.

Re claims 2 and 15, though Joyce is silent to estimating shipping costs, the Examiner notes that it is well known and conventional to provide estimates of shipping costs based on mailing information, as a means to provide an indication of shipping costs.

Re claims 3-4, 16-17, and 29-30, though Joyce et al. is silent to accounts/trusts associated with shipping companies, such accounts are well known and conventional, and therefore would have been obvious in order to provide convenience to the companies sending out the shipments, so that they are automatically billed from an account. Accordingly, as is the case with accounts, adequate funds are required before shipment can occur. The subsequent debiting of accounts/trust accounts based on the cost is obvious (see Stickler et al. Stickler et al. (US 2003/0220887) as an example of an account/trust that is debited for delivery).

Re claim 5, though Joyce et al. teaches that the shipments are received by a delivery facility (shipping service 124), Joyce et al. is silent to transportation from the induction facility to the delivery facility, as the shipments are shipped directly from the distribution center. However, it is well known that shipments can be either dropped off at a delivery service, or the delivery service can pickup the shipments for delivery. Therefore, it would have been obvious to one of ordinary skill at the art, to drop the shipments off at a delivery service, to reduce costs, for

example. As tracking data is created once a shipment is created, it therefore would have been obvious to update tracking information along the delivery process, including when the shipments are delivered to a shipment facility, as an obvious expedient, to provide tracking information.

Re claims 6, 10, 14, 18-19, 23, 27, 28, 31, 32, and 36, the Examiner notes that it is well known and obvious that process data is available/provided for the tracking of goods, that delivery dates are estimated during shipping (and can change depending on conditions), that computers/systems are used when tracking a package, estimating dates, etc., where such systems contain processors (which execute instructions performed electronically by computer devices, and as such, are stored on a computer readable medium). Re claims 10, 23, and 36, though Joyce et al. is silent to home delivery, the Examiner notes that once received at the central station, it would have been obvious to one of ordinary skill in the art, to have the item delivered to the customer (at home) for convenience (if the user cannot pickup the item for some reason). Accordingly, as is conventional with delivery services, an estimate of the delivery date is obviously provided.

6. Claims 7-9, 11-13, 20-22, 24-26, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce et al., in view of further in view of Biasi et al. (US 2004/0098355) and Manduley et al. (US 5,043,908).

The teachings of Joyce et al. have been discussed above. Re claim 7, though Joyce et al. is silent to estimating future system loads based on mailing information, it is clear to the Examiner, that such estimation is an obvious expedient. As an example, it is well known and conventional that over the winter holidays, the number of packages being shipped typically increases. Accordingly, using mailing information (volume) to estimate future loads (predicting

that winter is a high volume shipping month and for subsequent winters to make sure that adequate staff/items are present to meet the demand) is an obvious expedient to ensure that all shipments are processed and customers are satisfied. Simply estimating future loads based on past loads (mailing information received), is obvious to one of ordinary skill in the art.

Re claim 8, though Joyce et al. is silent to delivery to an induction facility, it would have been obvious at the time the invention was made, that an induction facility can receive the mailing/shipment, in order to reduce costs (by not having the delivery service pickup the shipments from the distribution center). Accordingly, as tracking information on shipments is created upon the shipment being created, it is an obvious expedient that an estimated induction date would be associated with mailing/shipments, in order to provide additional tracking information, as it is well known that upon movement of a package from its source, that tracking data is typically generated. Since conventional tracking data (UPS) includes expected delivery dates (predicted), therefore predicting an induction date is an obvious expedient to provide additional tracking data from when the package is moved. The Examiner notes that it is well known and conventional to track item data throughout its process, such as receipt of the order, fulfillment of the order, and subsequent delivery. Providing additional details as to the processing of the order is an obvious expedient.

Specifically, Biasi et al. teaches induction can be predicted for packages (FIG. 4), and that such information includes a location. As such, it would have been obvious to an artisan of ordinary skill in the art to include such information with the mailing/shipment tracking information, to allow for such details to be tracked, to provide additional tracking data, as it is well known and conventional to provide in-process tracking data regarding items. Furthermore,

estimating system load based on such induction data is therefore an obvious expedient, since estimating future loads based on current loads (induction date) is an obvious expedient to adjust to conditions of the system (for example if it appears that a large number of shipments are expected to be induced over the winter holidays, its obvious to estimate future system loads based on such data).

Re claim 9 and 11, Joyce et al. teaches that the shipments include a count value of the mailings/mailpieces in the shipment. Accordingly, based on the size/quantity of items being shipped, it would have been obvious to estimate system loads, as is well known and conventional in the art. Simply estimating loads based on a quantity of items (making sure that adequate support is present when a large quantity of items is to be mailed) is an obvious expedient.

Joyce et al./Biasi is silent to estimating future loads by receiving an induction date/count value in the mailing information, and estimating future loads based on the induction date and count value.

Manduley et al. teaches using the mailing information to estimate future loads, including receiving an induction date in the mailing information (col 14, lines 12+ and FIG. 7). Accordingly, Manduley et al. teaches that future loads can be estimated based on expected data, in order to ensure that personnel, for example, is present to handle the demand. Manduley et al. teaches that both an expected induction (receipt of an item at a subsequent station) and that the amount of items to be expected, therefore is usable to determine system loads. Accordingly, Manduley et al. teaches that future system loads can be predicted based on a variety of factors, including quantity and expected dates. Therefore, in light of the teachings of Joyce et

al./Biasi/Manduley et al., it would have been obvious to predict system loads based on quantity and induction, in order to have a system that is able to adjust to demands.

Re claim 12, though Joyce et al. is silent to an induction location, Joyce et al. teaches that a commercial shipping service ships the goods. Though Joyce et al. is silent to an induction facility, it has been discussed above that the induction facility can be the delivery facility (the commercial shipping service facility). The Examiner notes that there are many commercial shipping services that meet different shipping needs (price, domestic shipping, international shipping, by air, by truck, etc.) Accordingly, it would be obvious to include an induction location so that the shipment can be dropped off and shipped from the desired commercial service facility. Accordingly, estimating system load based on the induction location is obvious (if over the winter holiday, many shipments are shipped from a specific commercial shipping service (at a specific location), adjustments can be made.

Re claim 13, the shipment information contains a delivery location, and it's obvious that the location of delivery (whether its far away or close) can be used to estimate future loads.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Joyce et al. with those of Biasi/Manduley et al.

One would have been motivated to do this to determine future loads of the system to ensure reliable package delivery/shipping, based on predictors such as induction date and count value.

Re claims 20-22, it is well know and obvious that a processor performs the estimation functions/calculations.

Re claims 24-26, the limitations have been discussed above re claims 9, 12, and 13. Additionally, it is well known that a processor with memory performs such steps.

Re claims 33-35, the limitations have been discussed above re claims 20-22, where it is understood that the instructions are executed to perform the claimed steps.

Response to Arguments

7. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection. The Examiner has cited new art to replace "Bong et al." which had a filing date equal to that of the provisional application from which the current application claims priority from. Any inconvenience is regretted.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for this Group is (703) 972-9306.

Communications via Internet e-mail regarding this application, other than those under 35 US.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DW
12/6/04

KARL D. FRECH
PRIMARY EXAMINER